IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

MISC.CIVIL APPLICATION NO.39 OF 2006

Mrs.Yoshita Sanjay Kharche. ..Applicant.

V/s.

Mr.Sanjay Ram Kharche. ..Respondent.

Mr.Rahul P. Walwekar for applicant.

Mr.Rajendra Palkar for respondent.

CORAM: A.M.KHANWILKAR,J

DATE : AUGUST 7, 2006.

P.C. :

1. Heard counsel for the parties.

2. As settlement is not possible, matter is heard on merits. After perusing the pleadings and considering argument canvassed on behalf of the respective parties, I have no hesitation in allowing this application in terms of prayer clause (b) although it is opposed by the respondent. According to the respondent, he will suffer greater hardship, if the case is transferred from Pune Court to Court of Mumbai. I see no substance in this submission. It is common ground that the respondent is presently staying at U.K.. Whether the case is tried at Pune or Bombay, he will have to travel to attend court

proceeding all over from U.K. In the circumstances, the argument of hardship does not commend to me. It is also seen that the applicant had filed matrimonial petition in earlier point of time in Mumbai. In the circumstances, taking over all view of the matter, in the interest of justice, this application deserves to be allowed in terms of prayer clause (b), so that both the proceedings can be heard by the same court either to be disposed of together or as the Court may think appropriate after taking into account stand of the respective parties.

3. Hence, application allowed in terms of prayer clause (b). No order as to costs.